

Land Titles (Amendment) Bill

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Bill No: 18/1973

Read the first time: 19th March 1973

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Expenditure of Public Money

Land Titles (Amendment) Bill

Bill No. 18/1973

Read the first time on 19th March 1973.

An Act to amend the Land Titles Act (Chapter 276 of the Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows: —

Short title and commencement

1. This Act may be cited as the Land Titles (Amendment) Act, 1973 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 5

2. Section 5 of the Land Titles Act (hereinafter in this Act referred to as “the principal Act”) is hereby amended —

- (a) by inserting immediately after the expression “Deputy Registrars of Titles,” appearing in the second line of subsection (3) thereof the words “Assistant Registrars of Titles”; and
- (b) by inserting immediately after the word “Titles” appearing at the end of subsection (5) thereof the words “or an Assistant Registrar of Titles”.

Amendment of section 6

3. Subsection (2) of section 6 of the principal Act is hereby amended by inserting immediately after the word “Deputy” appearing in the third line thereof the words “or Assistant”.

New sections 8A, 8B and 8C

4. The principal Act is hereby amended by inserting immediately after section 8 thereof the following new sections: —

“Effect of mortgage of right, title and interest in land surrendered and notified on land register

8A.—(1) Where unregistered land has been surrendered to the State for the re-issue of one or more fresh titles freed and discharged from any subsisting mortgage registered under the Registration of Deeds Act (Cap. 281), the person entitled to be

issued with the fresh title or titles in respect of the whole or part of the land surrendered may, with the written consent of the Collector of Land Revenue and the Registrar, create a mortgage in respect of his right, title and interest therein prior to the issue of a certificate by the Collector of Land Revenue or the issue of a State grant or lease by the President, as the case may be, with the intent that the said mortgage shall *pro tanto* be in substitution of a mortgage which was subsisting prior to the surrender of the unregistered land.

(2) The following provisions shall apply to any mortgage created in accordance with subsection (1) of this section: —

- (a) notwithstanding any other provision of this Act the mortgage created in accordance with subsection (1) of this section may be registered under the provisions of the Registration of Deeds Act;
- (b) where the said mortgage has been registered (provisionally or otherwise) under the Registration of Deeds Act the person claiming as mortgagee under the said mortgage may lodge an application with the Registrar for notification of the said mortgage on the relevant folio (when created) of the land-register, and the Registrar shall, if satisfied that the application is in order, pending the creation of the folio of the land-register record the application in a provisional register-book, and thereupon the mortgage shall constitute a legal mortgage to the extent that the mortgagee of the said mortgage may exercise the same powers as if he is a legal mortgagee; and
- (c) where the Registrar has recorded the application for the notification of the mortgage pursuant to paragraph (b) of this subsection, the Registrar shall notify the mortgage on the relevant folio (when created) of the land-register, and the provisions of subsections (5), (6) and (7) of section 17 of this Act shall, *mutatis mutandis*, apply to the said mortgage.

(3) Nothing in this section shall require the Registrar to notify any mortgage created in accordance with subsection (1) of this section on the folio (when created) of the land-register unless an application to notify the mortgage has been lodged with and accepted by the Registrar as being in order for notification, and except in the case of fraud a purchaser dealing with the whole or part of the land on or after the date when the said land has been brought under this Act pursuant to the re-issue of a fresh title or titles subsequent to a surrender to the State shall not be deemed to have notice of any mortgage which has not been notified by the Registrar on the folio (when created) of the land-register.

(4) Subject to the provisions of subsection (2) of this section, no assurance of

any unregistered land surrendered to the President or any part thereof made by the person entitled to be issued with one or more fresh titles in respect of the surrendered land shall be capable of being registered under the provisions of the Registration of Deeds Act (Cap. 281) and the Registrar of Deeds shall have the power to refuse the registration of that assurance when presented for registration, or in the case where that assurance has been registered the Registrar of Deeds shall have the power to cancel the registration of that assurance and any entries relating thereto, except that before the Registrar issues a certificate of title pursuant to the receipt of a certificate by the Collector of Land Revenue or a State grant or lease issued for the unregistered land surrendered or any part thereof —

- (a) a mortgage created in accordance with subsection (1) of this section and an assurance dealing with the said mortgage made with the consent of the Collector of Land Revenue and the Registrar may be registered under the provisions of the Registration of Deeds Act (Cap. 281); and
- (b) an assurance made in favour of a purchaser by the mortgagee exercising his power of sale under the mortgage created in accordance with subsection (1) of this section may, with the consent of the Collector of Land Revenue, be registered under the provisions of the Registration of Deeds Act, and upon acceptance by the Registrar of Deeds of the assurance for registration —
 - (i) the purchaser from the mortgagee shall be deemed to be a successor in title of the right, title and interest in the land surrendered for a re-issue of a new title or titles to the extent of the whole or part of the land conveyed to the purchaser by the mortgagee under the assurance, and shall be bound by all the terms and obligations relating to the surrender of the whole or part of the land sold as if these terms and obligations have been made between the purchaser and the Collector of Land Revenue; and
 - (ii) a certificate by the Collector of Land Revenue or a State grant or lease, as the case may be, shall be issued to the purchaser named in the assurance registered under the Registration of Deeds Act (Cap. 281) if the Collector of Land Revenue on behalf of the President is satisfied with the right, title or interest conveyed to the purchaser by the mortgagee under the assurance.

Surrender of title subject to mortgage registered in the Registry of Deeds

8B.—(1) Where the President agrees to accept the surrender of any unregistered land for the re-issue of one or more fresh titles under any existing law or otherwise agreed upon between the President and the proprietor of the land, as the case may be, the President may accept a surrender of the land subject to any subsisting mortgage registered under the provisions of the Registration of Deeds Act and in lieu thereof issue a fresh title or titles for the land surrendered subject to such mortgage:

Provided always that such surrender shall not be accepted unless —

- (a) the fresh title or titles to be issued will be of the same tenure as that of the title to the land to be surrendered;
- (b) the mortgagee claiming under the subsisting mortgage has given his consent in writing to the surrender and the re-issue of the fresh title or titles; and
- (c) the Registrar has given his consent in writing to the surrender.

(2) Where the President has accepted a surrender of the unregistered land subject to any subsisting mortgage registered under the provisions of the Registration of Deeds Act pursuant to subsection (1) of this section, a certificate may be issued by the Collector of Land Revenue or a State grant or lease may be issued by the President, as the case may be, and such certificate or State grant or lease shall be endorsed by the Collector of Land Revenue with a notification of the registered subsisting mortgage and forwarded by the Commissioner of Lands to the Registrar.

(3) The Registrar after receipt of the certificate issued by the Collector of Land Revenue or the State grant or lease endorsed with the notification of the subsisting mortgage shall bring the land comprised therein under the provisions of this Act and have the endorsed subsisting mortgage notified on the relevant folio (when created) of the land-register, and thereafter deliver the relevant duplicate certificate of title to the person entitled thereto.

(4) The provisions of subsections (2) to (5) of section 8 of this Act shall apply to a certificate of title issued pursuant to a Collector's certificate issued by the Collector of Land Revenue under this section.

(5) Where the Registrar has entered a notification of the subsisting mortgage on the relevant folio of the land-register pursuant to subsection (3) of this section, the provisions of subsections (5), (6) and (7) of section 17 of this Act shall, *mutatis*